

LOUISIANA WILD LIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

BOARD MEETING

Tuesday, November 20, 1973

10:00 o'clock a.m.

LLOYD AUTIN, Vice-Chairman,
Presiding

Wild Life and Fisheries
Building
400 Royal Street
New Orleans, Louisiana

P R O C E E D I N G S

. . . The regular monthly Board Meeting of the Louisiana Wild Life and Fisheries Commission was held on Tuesday, November 20, 1973, at 10:00 o'clock a.m., at the Wild Life and Fisheries Building, 400 Royal Street, New Orleans, Louisiana, Lloyd Autin, Vice-Chairman, presiding.

PRESENT WERE:

LLOYD AUTIN, Vice Chairman

DOYLE G. BERRY, Member

MARC DUPUY, JR., Member

H. CLAY LUTTRELL, Member

DONALD F. WILLE, Member

A G E N D A

1. Approval of minutes of July 31, 1973, and August 16, 1973. (4)

DR. LYLE S. ST. AMANT

2. Request of T. L. James and Company to remove fill material (4)
from Profit Island Chute on the Mississippi River in the
amount of approximately 300,000 cubic yards.
3. Request of Atlas Construction Company, Inc. to remove fill (5)
material from the Mississippi River in the vicinity of C.S.
1840 to C.S. 1941 in the amount of approximately 800,000

cubic yards and place it in Louisiana Highway 23 relocation in vicinity of Diamond, Louisiana.

4. Renewal of permit expiring November 19, 1973, to remove fill material from the Mississippi River, left descending bank between Mile 134.3 and Mile 136.0 AHP, St. John the Baptist Parish. (6)

MR. ALLAN ENSMINGER

5. Ratify request of South Central Bell to construct telephone cable across Cypremort Point property in St. Mary Parish. (10)

MR. RICHARD YANCEY

6. Adjustment of acreage on tract of land in St. Tammany Parish. (38)

OTHER BUSINESS

7. Statement by Mr. A. J. Buquet concerning the oyster industry. (12)
8. Statement by Richard Stanek, Executive Director, Louisiana Wildlife Federation, regarding Lake Bistineau drawdown. (28)
9. Statement by Edgar Veillon, President, Louisiana Wildlife Federation. (34)
10. Adoption of Commission Policy the giving of a plaque of appreciation to former Board Members and that they be made life-time honorary members. (40)

THE CHAIRMAN: The meeting will now come to order. The first item on the agenda is approval of the minutes of July 31, 1973, and August 16, 1973.

MR. DON WILLE: I so move.

MR. DOYLE BERRY: Second.

THE CHAIRMAN: Moved by Mr. Wille and seconded by Mr. Berry, that the minutes be approved. Any opposition? (no response) Hearing none, so ordered.

DR. LYLE ST. AMANT: Mr. Chairman, Members of the Commission, we have three items involving requests for sand and fill permits in the Mississippi River. One is a renewal permit.

The first one is a request from T. L. James and Company to dredge for fill material from Profit Island Chute on the Mississippi River in the amount of approximately 300,000 yards. This permit has been examined and meets all of the requirements set forth by the Commission and is not expected to cause any problems that would be of any concern to us, therefore, I recommend that we grant the permit.

MR. DOYLE BERRY: I so move.

MR. MARC DUPUY: Second.

THE CHAIRMAN: It has been moved by Mr. Berry and seconded by Mr. Dupuy. Any objections? (no response) Hearing none, so ordered.

(Full text of the resolution
is here made a part of the
record.)

BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant permission to T. L. James and Company to remove fill material from Profit Island Chute on the Mississippi River in the amount of approximately 300,000 cubic yards. This permit to cover a period of one year only from November 20, 1973, to November 20, 1974, at a rate of 5¢ per cubic yard and subject to renewal if granted by the Commission.

DR. LYLE ST. AMANT: The second request is from the Atlas Construction Company to dredge for fill material from the Mississippi River in the vicinity of Control Station 1941 to 1840 near Diamond, Louisiana. This is a request to dredge 800,000 cubic yards of material. We find that it meets the requirements set forth by the Commission. It will not affect our interests in this area, therefore, I recommend that the permit be granted.

THE CHAIRMAN: You have heard the recommendation.

MR. DOYLE BERRY: I so move.

MR. MARC DUPUY: Second.

THE CHAIRMAN: It has been moved by Mr. Berry and seconded by Mr. Marc Dupuy. Any objections? (No response) Hearing none,

so ordered.

(Full text of the resolution
is here made a part of the
record.)

BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant permission to the Atlas Construction Company, Inc., to dredge fill material from the Mississippi River in the vicinity of CS 1941+00 to CS 1840+00 and place it in Louisiana Highway 23 Relocation Vicinity of Diamond, Louisiana. This permit to cover a period of one year only from November 20, 1973, to November 20, 1974, at a rate of 5¢ per cubic yard and subject to renewal if granted by the Commission.

DR. LYLE ST. AMANT: The third request is for a renewal of a permit expiring on November 19, 1973, held by Atlas Construction Company, Inc., at Mile 134.3 to 136.0 above the Head of the Passes. They have operated this permit for five years without any problems. I would recommend that we renew the permit. Now, we might-- The last time you directed me to issue these permits for a period of one year instead of the usual five year period during which time we would undertake to determine whether or not fill material has increased in price and whether or not we should consider increasing the royalty from these permits. We have

made a study and find a rather peculiar thing. All of the companies, without fail, claim they have not raised the price on this stuff for the past 10 or 15 years. However, checking with the Department of Public Works and the Highway Department, we find that their contracts have increased 60% to 100% on the cost of fill material so there seems to be some disagreement on this thing. It would appear, however, that in order to purchase material now you do have to pay somewhere between 60 and 100 per cent more than was paid ten years ago. At least by the two state agencies which we were able to check. In view of this, it seems probable that the royalty should be increased and I would suggest that we ask our legal department to examine the thing and determine whether or not the Commission can raise this without any legal question. If they can, perhaps at the next meeting we can take positive action on it.

MR. DOYLE BERRY: Dr. St. Amant, couldn't we issue these permits on a 5 year basis with the amount we are going to charge re-negotiated each year.

DR. ST. AMANT: We can put any kind of clause we want into it. We can issue the permit on a five year basis with a clause that subjects him to any changes and any time we want to do it.

MR. CLAY LUTTRELL: Dr. St. Amant and Mr. Berry, since the Board as a matter of policy agreed at the last meeting that these in

the future be for one year, I believe it would be unwise now to make it five. I would like to move that this proposal be accepted and we for a matter of public record reiterate that policy be for one year.

THE CHAIRMAN: You have heard the recommendation. What is your pleasure?

MR. CLAY LUTTRELL: I so move.

MR. DOYLE BERRY: Second.

THE CHAIRMAN: It has been moved by Mr. Clay Luttrell; seconded by Mr. Doyle Berry. Any objections? (No response) Hearing none, so ordered.

(Full text of the resolution
is here made a part of the
record.)

BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant permission to the Atlas Construction Company, Inc., to remove fill material from the Mississippi River, left descending bank, between Mile 134.3 and Mile 136.0 AHP, St. John the Baptist Parish, Louisiana, this permit to cover a period of one year only from November 20, 1973, to November 20, 1974, at a rate of 5¢ per cubic yard and subject to renewal if granted by the Commission.

DR. ST. AMANT: On the motion that has been made and seconded and passed which says we will have permits for one year now we need to know how we want to proceed on the question of increasing the royalty on this thing. Do you want to bring it up at the next meeting a positive proposal on a certain amount with the concurrence of the legal section or do you want to do something about it now?

MR. DOYLE BERRY: Let me say this. In defense of the people that are buying this fill, I know that the price has gone up 60 to 100% in some cases. That doesn't mean you are getting more for fill, it means that labor costs and equipment costs and transportation costs, I'm sure have gone up that much. So, it doesn't necessarily mean he is getting more for fill, he's just perhaps taking care of inflation that's caught him in his operation.

DR. LYLE ST. AMANT: This is true and it is indicated in some of the information we have.

MR. J. BURTON ANGELLE: Mr. Chairman, would it take legislative authority or does the Board have the authority to raise the severance?

DR. ST. AMANT: Mr. Angelle, I think the Board does have the authority. We have to check it and that's why I think that

you need a positive proposal.

MR. CLAY LUTTRELL: Mr. Chairman, may I speak on this?

THE CHAIRMAN: Yes.

MR. CLAY LUTTRELL: If it is in order, I would like to move that the Board ask Dr. St. Amant to check with our legal department to determine exactly what the status of the Board is on the raising of the price of fill material and at the next meeting we, at that time, decide what we shall do.

THE CHAIRMAN: You have heard the recommendation.

MR. CLAY LUTTRELL: I so move.

MR. DOYLE BERRY: Second.

THE CHAIRMAN: It has been moved by Mr. Luttrell; seconded by Mr. Berry. Any objections? (No response) Hearing none, so ordered.

Mr. Ensminger.

MR. ALLAN ENSMINGER: Mr. Chairman, gentlemen of the Commission, we have received a request from South Central Bell Telephone Company to install an underground telephone service across a piece of property that we own on Cypressmont Point out in Iberia Parish and this will be just as I say an underground service along the edge of our property and I would like to recommend that we go ahead and give them approval for this right of way.

MR. CLAY LUTTRELL: I so move.

MR. MARC DUPUY: Second.

THE CHAIRMAN: It has been moved by Mr. Luttrell; seconded by Mr. Marc Dupuy. Any objections? (No response) Hearing none, so ordered.

(Full text of the resolution
is here made a part of the
record.)

WHEREAS the Louisiana Wild Life and Fisheries Commission has received a request from South Central Bell Telephone Company to install an underground service to users at Cypremort Point, St. Mary Parish, Louisiana, and

WHEREAS the Louisiana Wild Life and Fisheries Commission owns a lot at this site, and

WHEREAS this line would eventually provide telephone service to the Commission's facilities, and

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby approve the application for the telephone cable right-of-way, and

BE IT FURTHER RESOLVED that the Director is hereby authorized to sign all documents pertaining to this right-of-way.

MR. MARC DUPUY: This is just 120 feet, is it not?

MR. DOYLE BERRY: Mr. Buquet is in the audience this morning and he has a meeting in Houma to attend at two o'clock. He might have something about this oyster business that he wants to talk to us about. I would like to hear from him. I would like to give him a chance to be heard now so he can go to the other meeting later on.

MR. A. J. BUQUET: Mr. Chairman, Members of the Commission, I didn't come here to be heard this morning. I would like to if it were possible to arrange that I could talk to you in executive session. The executive session would not necessarily mean, if you would permit me to, that I wouldn't want anyone in the audience here to hear what I've said, but I wouldn't want anyone in the audience to quote what I have said in the newspapers because I think too much has been put in the newspapers already that means nothing. So, would that be agreeable with you gentlemen that I do it? Thank you.

Members of the Commission, I was just handed this piece of paper here and first I would like to say that it is fantastic the damage that has been done to this industry in the last few weeks without anybody telling anybody this is it. The industry, there is no question about, would be more than happy to close any area whatsoever--whether it be Mississippi, Alabama, Louisiana or Texas that is detrimental to the public human

consumption of raw oysters. There is no question about that. I don't understand. Now, here is a telegram that was addressed, I just saw a copy of it, to the Commission. Dr. Charles Mary, Commissioner and State Health Officer. In that, there is a little paragraph here. "We would appreciate your urgent attention to this matter." Before that, he goes on to say that the oyster industry voluntarily agreed to close this questionable area. Now, bear in mind before I read this that the questionable area is just as clean as any water areas that we have in the State of Louisiana and what we are doing about that to defend ourselves here in the State. Dr. Mary says it is not true. I say it is not true, but the finger is still pointed at us in the State of Louisiana and the Louisiana oyster industry. So, they are recommending in here that this area be closed completely. Why? How long does it take the Food and Drug or the State Board of Health to go in and check waters and to find out whether the waters are contaminated yea or nay. How long does it take? I'm not a biologist, not a scientist, but I'm sure these gentlemen will tell you at most a week if they get after it and we have been playing with this now three weeks, haven't we? So, this paragraph in reference to that water, we would appreciate your urgent attention to this matter and inform us

of your course of action by November 27th. In other words, they want you to take over and close it permanently. Why? If we are not satisfied by this date and that adequate measures have not been taken, we would consider withdrawing Food and Drug Administration endorsement of your shellfish control program under the cooperative arrangement of the National Shellfish Sanitation Program. Now, Gentlemen, this is dynamite and I don't know that you know it but this is dynamite for such a thing to be printed by the Food and Drug Administration. Unless some action is taken, a hell of a lot of action, we might padlock the oyster industry in Louisiana for the next few months and maybe years because the Food and Drug have a reputation of having done the same thing in other industries repeatedly. The same as though these boys when they have an opportunity to be heard they go the limit and somebody has got to do something about stopping them. So, I thank you for asking me to come before you. I'm not in a position to recommend anything with the exception that I recommend to you that this Department get behind this and see to it that these things are answered. Why should you let these people tell you that we are going to take you off the Shellfish Control Program and cooperative arrangement unless they can prove that there is something wrong in that area. Why should you permit them to do it. Why should

we permit them to do it. So, Mr. Berry, I can sit here and fuss and raise cain for any length of time but please, gentlemen, do something about this. I don't know what to say but it doesn't make sense.

THE CHAIRMAN: Well, what action should we take on this?

MR. A. J. BUQUET: I don't know. I can't answer you on that, Mr. Autin. I don't know what action to take. I don't know what action can be taken and Dr. Mary is trying to help, yes, by saying "no, our waters are clean" but let's prove that our waters are clean.

MR. DOYLE BERRY: Mr. Buquet is it reasonable to assume that those oysters could come out of another area, if that water is clean, not contaminated.

MR. A. J. BUQUET: I don't know that's absolutely but that's just another opinion, Mr. Berry. In other words, I can say anything just like these boys are doing. Just like the Washington boys are doing. They don't know what the hell they are saying.

MR. DON WILLE: It is reasonable to assume that we got a report yesterday that this particular restaurant which these people have eaten oysters from in that particular area of Houston, they had sewerage backup. We don't know where these bags of oysters were stored. We don't know anything about them and they could

have been contaminated in the restaurant. They could have been contaminated enroute. They could have been contaminated anywhere and I agree with you. I think that the water level, if I am not mistaken now, I'm just going by what we heard, it's considered to be about 7 and 60 is considered within limits as far as polluted water and I think our waters are very clean. So, I personally, as Commission Member, would say that the Federal Government again is going to try to block us from this area and actually effect the whole economy of this area by not letting us take oysters in this area and I am in agreement with you. I think we should do something right away, or we should do something right away. Maybe Harry. Is Harry here? Harry, can you give us an answer. Can we find out right away whether any of these oysters are infected by hepatitis?

MR. HARRY SCHAFER: We don't have the facilities. This comes under the jurisdiction of the Health Department, our local Health Department. We agreed to keep the fishermen out of the area for 10 to 14 days while the Health Department could check it. They are in the process of doing this right now and yesterday this thing was sprung on us. We knew nothing about this until yesterday afternoon and I don't know. I'm supposed to be getting with the Health Department sometime today or tomorrow to find out what they intend to do about it.

MR. DON WILLE: It's rather unfair for them to close this area indefinitely. They could say they close it until the testing is finished.

MR. A. J. BUQUET: Mr. Wille, would you permit me to read this again and again say something to you. "We would appreciate your urgent attention to this matter of closing this area and inform us of your course of action by November 27th. If we are not satisfied by this date that the adequate measures have been taken, we will consider withdrawing Food and Drug Administration endorsement of your Shellfish Control Program under the cooperative arrangement of the National Shellfish Sanitation Program." Do you realize the impact of this! And, we are talking about an area that is not dirty! Why should we stand by and take it?

MR. DOYLE BERRY: Well, I think the approach to this thing is to get a team from this Department and follow those oysters from the time they are harvested to whatever destination they arrive at in Houston and see what the situation is so we can pick up some information where it was transported, where it was stored and see if we can't get to the bottom of this thing.

DR. LYLE ST. AMANT: May I say a couple of things?

THE CHAIRMAN: Yes.

DR. LYLE ST. AMANT: I appreciate Mr. Buquet's position and I would like to be able to relieve him of some of his anxiety,

but in this business it's not like being charged with some other crime. In this kind of business, you are guilty until you prove yourself innocent and this is the trap we are in. As best we can determine, they have done everything they could to check these oysters out. We would have been much better off, or luckier, if we could have proved that somebody bootlegged the oysters. If they had, it would have been quite simple. We could have said these guys bootlegged them out of a contaminated area and they were illegal, we were going to put them in jail, fine them, and then the oyster areas would have been declared clean. Apparently, this thing has been run and Harry I think will bear me out, the best they could they put practically detectives on the thing and they questioned these people. They questioned our people. We were checking the boats ourselves out there. There is absolutely no evidence that these two boats picked up any polluted oysters. They got the oysters in the areas in question. Now, the only thing that seems might have happened, is something happened to the oysters between here in transit. This apparently has not been investigated and it may be in the process of investigation. The thing as it stands now, they laid it on the line. Whether they have the right to do it or not or whether they are being fair about it or not, they are simply saying these areas have to be proved one way or another.

I don't know how long it will take. I would assume that two weeks or three weeks would be enough but then if they keep getting negative results, I don't know what's going to happen.

MR. DON WILLE: Doc, would it be in line for us to appoint an investigative team of our own. Well, I think there are some areas that might be explored. I think perhaps the first thing we need to do is to get back with the State Health people and just find out what the details are and maybe try to check this thing out somewhere at the federal level and see if we can't make them put up some evidence that this is a guilty area. However, they are using simple process of elimination.

MR. DON WILLE: I certainly think that we owe the oyster industry that much. I think that an investigative team to try to work on this thing and maybe come up with some evidence. If we can come up with some evidence to present, we might present a stronger case.

DR. ST. AMANT: I think the thing is going to be circumstantial. I don't think you can check hepatitis in oysters. I think what they are going to do and what they are trying to do is find some source of sewerage or human waste that they can associate with this particular load of oysters and they haven't been able to do it. I don't think you can go out here and run an oyster sample and say this oyster has hepatitis virus or not. It's

just a kind of thing you can't run. So, it's one of these things. It's not going to be easy. We can set a team up. I think we should stay in close contact with the Board of Health and maybe see if we can't do something.

MR. DOYLE BERRY: Those oysters have to be traced from the time they left those oyster boats.

DR. LYLE ST. AMANT: They traced them back. They traced the sacks and they traced the tags on the sacks, the bill of lading, and the whole works.

MR. DOYLE BERRY: Have they checked the transit system that hauled them?

DR. LYLE ST. AMANT: That's right and the thing that doesn't make sense is that this same boat and other boats have been harvesting oysters in the areas, selling them all over Louisiana. They sell them everywhere. This is the only one single batch that caused any trouble. There must have been 150 boats out there at the time these two boats were fishing. Nobody else caused any problems.

MR. DOYLE BERRY: Why don't we call the beaurecrats now and talk to them?

MR. MARC DUPUY: Mr. Chairman, in view of the impact of all of this and we are being considered guilty by association, I think we ought to have the highest level of cooperation between our

Commission and the Department of Health, Dr. Mary and maybe the Governor's Office and, more particularly, with some publicity of our own to the effect that there has not been any kind of pollution problems in Black Bay or Bay Crabbe and that these two particular areas have not been-- In other words, there is more evidence to indicate that the oysters became polluted in transit or in the restaurant where they were served and I think we need to combat the adverse publicity with some of our own and do it now. I would suggest that we have a top level conference with the Department of Health.

MR. A. J. BUQUET: Gentlemen, in this discussion, Dr. St. Amant made one statement that you are guilty until proven innocent and in your insuing discussions, the thought came to me that as he says, I agree with you, my friend, as far as publicly protecting ourselves, I agree with you, and the statements Dr. St. Amant also made there about they have proven where the oysters came from, where the sacks came from, where everything came from. I can't contradict any of that but the only thing is in this telegram when they say "we are going to take charge and close those areas" and you come back with doing something to protect yourselves. Can't you get a team and have an investigation of some kind. What about getting an independent, this department taking over and getting biologists that are qualified

to make an independent survey of that area to find and to prove for you to defend us, the industry, as to why should the federal government come in and say we are going to close you down if that area is not polluted. So, I would recommend if you want to do anything in that sense that could possibly be done, Dr.

St. Amant. Do you think that could be done? You are working with the Board of Health, that is true.

THE CHAIRMAN: Dr. St. Amant has already said that the oysters are not polluted.

MR. A. J. BUQUET: I'm talking about an independent survey of the areas.

DR. ST. AMANT: What Mr. Buquet recommends has been done in the past with respect to pesticides when they got into problems with pesticides in the canning of shellfish, however, at that time the industry paid for the investigation and not the Wild Life and Fisheries Commission. We could I guess. We could find somebody competent and set up an independent study of the area. It would probably be pretty costly to do it on a short term basis like this. It would take more time than you think. I don't think you can do it in a week.

MR. MARC DUPUY: I think it is our responsibility and we should do it.

THE CHAIRMAN: I think we ought to put up the money.

MR. HARRY SCHAFER: One important thing that has been overlooked, too, is that this outbreak occurred in a one week period and there has been no more since that time. These oysters were bad, they were served, the people caught hepatitis or got hepatitis and the thing is over with now. There are no more new cases of hepatitis. They got it during that week that the oysters were available to them at that time. So, they can go in there whenever they want, whoever wants to go in there and they are not going to find hepatitis because there is no more hepatitis if it ever came from that area but we still don't think it came from that area.

MR. A. J. BUQUET: Mr. Schafer, that is the reason that I go back to that one little paragraph. What has happened is a thing of the past but read this carefully.

MR. HARRY SCHAFER: I have gone over this numerous times but this is a telegram not to us but this is a telegram to the Health Department. We are not advocating closing this area. We have got to close it the way it is right now because of us they were going to close it before that. When it was closed before, they were going to close it down completely, the whole east side of the River, when we met with them and we explained our situation and some of the things that we had come up with, then they decided that this would be a voluntary closure that the fishermen would not go in there and when we saw somebody

in there we would ask them to leave but it would not be a legal closure it would just be up to the fishermen. Now this federal thing comes along and says that wasn't far enough. Now I don't know what they are going to prove by closing this thing again, a legal closure, because it is already closed essentially. Nobody has been in there and we have been watching it the whole time it's been there. Nobody has even tried to go in there. There has been 100% cooperation between the fishermen and everybody involved but then this thing came, it was yesterday it hit the Health Department. They knew nothing about this thing coming. All of a sudden it showed up. We are supposed to meet with them and find out what the federal government wants to prove by this. What are they going to prove by having this thing closed legally.

THE CHAIRMAN: Every thing you have asked them to do, they have done already. How far can you go.

MR. DON WILLE: Another interesting thing as far as distance goes as the Doctor was saying yesterday about usually if oysters are served in a batch with hepatitis that you might have 10 to 20 to 30 per cent of the people infected by it and in this particular case, am I right, wasn't it 100 per cent.

DR. ST. AMANT: Everybody that ate those oysters got hepatitis.

MR. DON WILLE: Everybody that ate them and this is very unusual, so there had to be a very strong virus strain in there, wouldn't

you say, in that particular batch. Either that or somebody is sabotaging the oyster industry.

DR. ST. AMANT: I think the first thing we could do is try to get with the Board of Health and verify what they think about this telegram and what their feelings are and after that if we feel like it after we meet with them and the position taken, at least by them, with the federal government. I think all we can do is come back and determine and try to determine some method to combat it whatever it might be.

MR. J. BURTON ANGELLE: Harry, are you going to try to meet with the Board of Health today?

MR. HARRY SCHAFER: Yes, sir.

MR. J. BURTON ANGELLE: I would suggest maybe inviting the President or the Board of Directors of the Oyster Growers Association to meet with you at that particular time so they will get themselves involved in protecting their own interests along with us trying to help them.

MR. HARRY SCHAFER: Right. Captain Pete Vujnovich, President of the Louisiana Oyster Growers Association had an appointment with Dr. Mary yesterday. I don't know what came out of that meeting. I'm going to see Capt. Pete right after this meeting and find out what happened there and then I will try and make an appointment with them to find out what transpired.

MR. DONALD F. WILLE: Mr. Chairman, is the motion in order then that we get behind this thing 100 per cent and do whatever is necessary to help the oyster industry to recuperate this particular tract.

MR. DOYLE BERRY: I would like to second the motion. As you say, put on record that this Board stand behind the industry.

MR. DON WILLE: Right. We are going to stand behind the oyster industry 100 per cent.

MR. DOYLE BERRY: We direct the director to take everything at his disposal and see this thing through to bring it to a proper conclusion.

MR. DON WILLE: I'll make that motion.

THE CHAIRMAN: It has been moved by Mr. Wille.

MR. DOYLE BERRY: Second.

THE CHAIRMAN: Seconded by Mr. Berry. Any objections? (No response) Hearing none, so ordered.

MR. DON WILLE: Also, let's include the publicity on this thing. I think we need to go back with publicity, Mac, and get some releases out to the newspapers that the Louisiana Wild Life and Fisheries Commission is going to be behind the oyster industry 100 per cent. We don't feel like that water was polluted. We checked the water, we found it pollutionless, so give our side of the story so that the people will know it and I think you will

find that the people will loosen up and start eating oysters again because they are scared of eating any kind of oysters right now.

THE CHAIRMAN: I'll tell you one thing, they made them start eating soybeans. They quit eating meat. (laughter) Uncle Sam will do anything.

MR. J. BURTON ANGELLE: Do you have in mind that the Commission would go on record from information received from our staff in the Oyster Division that they do not believe that these oysters came from Louisiana, that they were not contaminated when they left Louisiana waters.

MR. DONALD F. WILLE: No. I think that we should go with the fact that we don't believe that they were ever contaminated. I think that we should say that we have checked the water out there, the pollution level of water as what it is, what the regulatory limits of the pollution level of the water are, that were within limits and our waters are not contaminated and we feel like the oysters, which is just in my judgment, I feel like the oysters didn't come out of Louisiana contaminated, or, if they were, they were contaminated enroute. That's my own opinion. Now, I don't know what the Commission feels about it.

THE CHAIRMAN: Well, that's the way it looks. I would say go on record.

MR. DONALD P. WILLE: I think we should go on record. I think that the oyster industry is a very important industry in Louisiana. I think that if we back them that they are going to need all the help they can get right now. That's my own opinion. That's not the Commission's opinion. I'll go on record as saying this.

MR. DOYLE BERRY: I'll concur in it.

THE CHAIRMAN: Is there any other discussion? (No response)

MR. RICHARD STANEK. May I make a statement?

THE CHAIRMAN: Yes. What is your name, please, sir?

MR. RICHARD STANEK: Mr. Commissioner, Board Members, Ladies and Gentlemen, I'm Dick Stanek. I'm Executive Director of the Louisiana Wild Life Federation, Inc. On October 28th of this past October, the Louisiana Wild Life Federation Board of Directors met in Alexandria. At this time, a discussion was held about the postponed drawdown on Lake Bistineau. At this time a resolution was passed unanimously by the Board of Directors to charge the Executive Director, which is myself, to look into the situation on Bistineau to study it and thereby make a statement to the Louisiana Wild Life and Fisheries Commission. With this in mind, I would like to make this statement. The statement to the Louisiana Wild Life and Fisheries Commission on postponed drawdown on Lake Bistineau in 1973.

Recent developments halting the biologist recommended drawdown on Lake Bistineau in north Louisiana have prompted the Louisiana Wild Life Federation, Inc.'s Board of Directors to unanimously pass a resolution calling for an investigation into the circumstances leading up to and the ultimate decision to cancel the drawdown.

In September of 1973 an action was voted upon and passed by the Louisiana Wild Life and Fisheries Commission Members to follow the biologists' recommendations and proceed with the drawdown. However, through the single action and coercion of one Board Member, the ruling authorizing the drawdown was delayed, procrastinated upon and finally totally postponed.

Since his appointment to the Commission, one Board Member has emphatically stated that there would be no drawdown on Lake Bistineau this year. This Commissioner finally took it upon himself and unilaterally halted the Commission's sanctioned drawdown. He even stated publicly to the press that the final decision to stop the lowering of the lake was a personal one and that he would take full responsibility for this action. This action was defended by citing heavy rainfall in Oklahoma as a threat to flooding of areas below Bistineau. I suspect, however, that had not a single drop of rain fallen in Oklahoma, some other ploy would have been used as an excuse to halt the drawdown.

Yes, this Commissioner has won his battle; there will be no drawdown on Lake Bistineau this year. But at what costs and at whose expense will his victory be won? The cost will be another year of fighting the excessive noxious aquatic weed problem, of less fish in the creel and stunted game fish and of possible accidents, injuries and even death caused by sunken logs and stumps which could have been removed during drawdown. This victory also comes at the expense of the other Commission Members who voted for and passed the action for the drawdown. It also comes at the expense of the democratic process of rule by majority. Will the mandates of the Louisiana Wild Life and Fisheries Commission be followed, or will they be pushed aside and made meaningless by special interests and pressures? This happened once now in relation to the Lake Bistineau drawdown, and it can happen again. On the behalf of the approximately 12,000 members of the Louisiana Wildlife Federation, Inc., I would like to implore the Commission Members to see that such a situation as has occurred on Lake Bistineau does not happen again. I would also hope and ask that in the future, the Louisiana Wild Life and Fisheries Commissioners stand up to protect their rights and uphold the decisions they make. Thank you.

MR. DONALD F. WILLE: Mr. Chairman, let me say a word since I'm the Commissioner that this is directed to. I think I owe a little explanation on the date in question which I took full

responsibility for not lowering Lake Bistineau prior to the meeting down here. There were approximately 10,000 to 15,000 acres of land with cattle, farms and people involved and wild-life. If the gates at Bistineau had been opened at the time of that rain in Oklahoma, which we had 16 inches of rain in Enick, Oklahoma, I made the decision not to open the locks on the gates at the recommendation of the biologists out of Minden who had also gotten calls from these people who called and begged us not to. Now, for the Federation to surmise that I, myself, and I stand on my own record and my own background as an individual and I have nothing to be ashamed of that I would have devised some other means of keeping Bistineau from being drawn down, is an out and out lie. Now you accuse me of coercion and you accuse me of breaking the honor of this Commission and I resent that very much personally. I think that the Louisiana Wildlife Federation owes me an explanation when they make surmations on their part to my character and my well being. That's all I have to say.

MR. DOYLE BERRY: I would like to second Mr. Wille's motion. I was not coerced into doing anything.

MR. CLAY LUTTRELL: Since I was the Member who had placed the motion, the final motion, to disregard the drawdown, I felt like that I should defend myself because Mr. Wille does not

coerce me, nor do you, or anyone else. Natural happenings caused me to decide at that late date that this was not the proper thing to do and I wish you would delete from that report or justify it or prove it that I was coerced into making that motion. Mr. Wille did not even recommend to me or talk to me. I don't know where you got your facts but those facts are wrong.

MR. DONALD WILLE: I think there is something else too that should be brought up right here, the Commission itself, if I thought-- The Caddo Wildlife Association, on one hand, congratulated the Governor on my appointment. They said we need someone to represent the people in north Louisiana. They had not had anybody in over a decade. If I thought that I was not doing my job for the best interests of the people that I would resign my position immediately and that is just exactly how I feel about it because this Commission is no plum. No matter what anybody might think. It doesn't do anything but cost people money that belong to it and you get a lot of embarrassment and you are dammed if you do and dammed if you don't sometimes.

Now, if the Wildlife Federation would have had a representative and they may have had one in Bossier City when we held that meeting and seen how many people that are affected

by this lake directly where there were 500 people there that were for the delay of the drawdown because of economic reasons and some of them because of personal reasons. Now, I live in that area; that's my lake; I love that lake; I don't want to see that lake die any more than anybody else. I am convinced that we can come up with a better solution than a drawdown. That's my own opinion. That is not this Commission's opinion and I am going to work and work and work to see that we come up with a better solution. I think that there are better solutions. I mean, I stated a while ago, if a man owned a bathtub and the only way he could get the water out of it is to siphon it and another man came along and said let's put a drain in the bottom, you are not going to say "no." We've got to look for better ways because we are facing the same problem in Toledo Bend that we are facing on Bistineau and we will be facing this problem in 5 years and there is no way we can draw down Toledo Bend. We are going to have moss in that area so we do have to come up with more than a temporary deterrent for control of moss. This is my own opinion, just like I said, it is not the Commission's opinion. I did not coerce any member on this Commission. I resent the fact that word was used by the Wildlife Federation. I am going to go on record myself when I go back and write an editorial to that effect and appear on television myself because I think that is

a pretty strong statement. I mean, it's a pretty strong and the fact that you are referring to my character. If you want to assassinate my character and I feel like I am on this Commission for all of the people within the State of Louisiana. I serve them all. In the case of this one particular instance, we take a position on the side of wildlife and conservation but when it comes to destroying people and you just saying that in your statement up there that I should have opened those locks on Bistineau is what you people are really saying and let those people be flooded out, 8,000 acres be flooded out, and there was no doubt about it, the biologists told me that the river had crested. If we had opened the gates, Loggy Bayou would have backed up and it would have been 8,000 to 10,000 acres of farm land, cattle and people, approximately 1500 to 1600 people which would have had their homes and everything else flooded out. Now, if that was the wrong decision on my part, I've got thick enough skin to take the rap, partner, I'll guarantee it. I know that those people will back me 100 per cent. So, that's just the way I feel personally about it and I would like to have a copy of that statement before you leave here.

MR. EDGAR VEILLON: Mr. Chairman, Members of the Commission, ladies and gentlemen, my name is Edgar Veillon. I'm the President of the Louisiana Wildlife Federation. I would just

like to say that in no instance that I know of can the intentions of the Louisiana Wildlife Federation be doubted at any time in the past as far as the sincerity of helping the sportsmen and protecting the natural resources of the State. I don't think this is an exception. We are 100 per cent sincere in what we are doing here and the only question that comes to our mind is that it has always been advisable in the past to do this in the best interest of everyone concerned. The Commission was previously on record of advising it again this year and the sudden change of attitude, some perplexed us, and we just wanted to know what the explanation was. I appreciate Mr. Wille's explanation. We will report back to our Board of Directors the basis of the decision that he made and we don't want to make a contest of personalities at any time. However, as with any individual or any group, we always act on the best information available to you at the present time. That's exactly what we did in this incident and again I appreciate Mr. Wille's explanation.

MR. DONALD F. WILLE: I don't think that anybody fully explained. The one thing that I feel like is that the gentleman that was just up here, I'm sorry. Mr. Stanek said that he had thoroughly investigated. Well, if there was a thorough investigation, he would have realized that these people were going to be flooded out. I mean, and then to say he's sure that some other method

would have been chosen by me is to surmise what I would do and believe me that my interests are with this Commission. If this Commission would have said at that time to open those gates, I would have fought them tooth and nail and I think that the Wildlife Federation would have fought them tooth and nail if these people were flooded out. I think everybody in the State would have been up in arms. It was a decision that had to be made at the time. I was the closest man to make the decision. After I made the decision, I called Mr. Angelle. Mr. Angelle concurred with my decision completely. Charles Hoenke concurred with my decision completely. Kenneth Smith, I believe, concurred with my decision completely because we knew that these people were going to be flooded out and that's no reason to say that I would actually devise or try to have another means of just keeping that lake up. That wasn't it. It certainly wasn't it and to me there was some poor investigation on the part of the Federation to come up with an explanation like you did because that's pretty strong.

MR. DOYLE BERRY: Somebody is going off half-cocked. That's the problem with it.

MR. EDGAR VEILLON: I appreciate what you are saying there and again we always act on the best information at the time.

Thank you.

MR. CLAY LUTTRELL: Mr. Veillon, I want to clarify something please. Will you wait just a minute. I want to clarify this. My objections was not so much to what he said but I think the not-adult thinking in using the word coercion and undemocratic process and you would have had to read our minds to realize whether this was undemocratic or whether this was coercion or not. To me, that's just not good adult usage of words. Just isn't true. I don't object to his other statements, I just want to clarify my objections. The use of undemocratic process and coercion certainly was not true at all.

MR. DONALD F. WILLE: I would like to say something else, too, which I think is very important. We have an informal meeting here on the day before we have this meeting. It's a public meeting. The only time that I know of that I have been consulted in private was on personnel or personal matters. Aside from that, this Commission has been public. We have not gone into, to my knowledge, since I have been a member into any kind of executive session where we would hide anything from the public. We have been public all the way. We held our meetings in that room the day before and the public is welcome. We have had people stroll in and stroll out. We have had people I have never seen before. When we hold our meetings here, it's public. I'm not afraid to take any knocks at all from anybody but I do

resent the fact that somebody makes reference to my character because I stand on my character. I feel that it was a personal affront from the Federation and I think you should go back and report it to them, really.

MR. EDGAR VEILLON: I certainly will. Just to repeat myself, we don't at any time mean it to be a personal attack on anybody but when the information comes to you indicates that the action is that of one person in particular then you act accordingly.

MR. DONALD F. WILLE: Well, I think that somebody misinformed the Federation. I really do. I think that if they had come to me and asked me for an explanation that I could have given you this explanation and this would not have been an embarrassing-type situation in public.

MR. EDGAR VEILLON: Thank you. I appreciate it.

MR. RICHARD YANCEY: Mr. Chairman, Members of the Commission, for over a year the Commission has worked in the direction of purchasing approximately 10,500 acres of bottomland hardwoods over in the Pearl River Basin of St. Tammany Parish. Appropriations were obtained from the Legislature, options were signed with the sellers, arrangements have been made with the Bureau of Outdoor Recreation to obtain federal matching funds to the extent of about \$376,000 and at this point we think we are in a position to propose a tentative target date for signing the act of sale papers. We would propose that this be done in

conjunction with the next regular meeting of the Commission, on or about December 17th and 18th, and if the necessary appointments can be made with those in Baton Rouge who would have to sign these papers. We would suggest that we now establish that as a target date for executing the Act of Sale papers on this 10,000 acres of land. The option that we have with the sellers expires on December 31st so this doesn't leave us a great deal of time to maneuver in so we would propose that the Commission at this time set this as a tentative target date. This property, of course, is all bottomland hardwoods. It's a real high quality forest game range and is occupied by good populations of wild turkey, deer, squirrel, rabbits and other types of wildlife that you find in this type of habitat. It joins the north boundary of the Pearl River Game Management Area and if we succeed and hope that we will in going ahead and buying this property it will be added to and made a part of the existing Pearl River Wildlife Management Area and as we all know we now have a free lease from the land owners on this property and it is being used by the public at this time for hunting and fishing purposes.

MR. CLAY LUTTRELL: I so move.

MR. MARC DUPUY: Second.

THE CHAIRMAN: It has been moved by Mr. Luttrell and seconded by Mr. Dupuy. Any objections(No response). Hearing none, so ordered.

MR. CLAY LUTTRELL: Mr. Chairman, if there is no other business on the agenda, I would like to make a statement. I realize that what I am about to propose could be done in other ways, but I think it would be much better if we move this business to Commission policy. With that statement, I would like to move that this Commission adopt as Commission Policy the giving of a plaque of appreciation to a Member of the Board at the end of his term of office and that he may be made a life-time honorary member and that this courtesy be extended to all former Board Members. I would like to make this as a matter of Commission Policy so that it would become permanent.

MR. DONALD WILLE: I'll second that motion.

THE CHAIRMAN: It has been moved by Mr. Luttrell; seconded by Mr. Wille. Any objections? (No response) Hearing none, so ordered.

As far as I am concerned, I'm in favor. (laughter)

Any other business?

MR. DONALD F. WILLE: I would like to say to Mr. Luttrell that I think it is very appropos for a Commission Member to serve. I think if he gets nothing else out of it, he can look at that plaque on the wall and say, "Look, I've spent 4 years or 6 years on the Louisiana Wild Life and Fisheries Commission and caught all the flack."

THE CHAIRMAN: How about the ex-directors?

MR. DON WILLE: Directors, too. (laughter)

MR. J. BURTON ANGELLE: I heard about the ex-director last night. (laughter)

MR. CLAY LUTTRELL: The ex-director doesn't catch any flack so you needn't honor him.

THE CHAIRMAN: Do I hear a motion of adjournment.

MR. CLAY LUTTRELL: I so move.

MR. DON WILLE: Second.

THE CHAIRMAN: If there is no other discussion, we stand adjourned.

. . . Thereupon, at 12:30 o'clock
p.m., Tuesday, November 20, 1973,
the regular monthly meeting of the
Board of the Louisiana Wild Life
and Fisheries Commission was
adjourned . . .